

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
No. 3:23-mc-00181-RJC-SCR**

**HEATHER NICOLE DURHAM, on
behalf of herself and others similarly
situated,**

Plaintiff,

v.

**CITY OF CHARLOTTE, a North Carolina
municipal corporation,**

Defendant,

and

**CENTRAL SQUARE TECHNOLOGIES,
LLC,**

Movant.

CONSENT ORDER COMPELLING PRODUCTION

Before the Court are Plaintiff Heather Nicole Durham’s Motion to Compel Compliance with Subpoena (ECF 1) and Movant CentralSquare Technologies, LLC’s (“CentralSquare”) Cross-Motion to Quash and for Entry of a Protective Order (ECF 6). After receiving briefing and additional argument from Plaintiff, CentralSquare, and Defendant City of Charlotte, the Court hereby enters this consent order.

WHEREAS, Plaintiff has sought Charlotte-Mecklenburg Police Department (“CMPD”) crash reports and related data (the “Requested Data”) via subpoena from CentralSquare, in connection with *Heather Nicole Durham v. City of Charlotte*, United States District Court for the Western District of North Carolina, Charlotte Division, Action No. 3:21-cv-638-RJC-SCR (the “Durham Action”).

WHEREAS, during a December 18, 2024 telephone conference with the parties, the Court indicated that CentralSquare will need to produce the Requested Data if the case proceeds.

WHEREAS, CentralSquare is prepared to produce the Requested Data, but there is an appeal pending in the *Durham* Action which, if granted, would render the production of the Requested Data unnecessary as the case would not proceed, and Plaintiff does not seek production of the Requested Data until after resolution of the pending appeal.

WHEREAS, the parties have reached an agreement regarding production of the Requested Data pursuant to this consent order compelling production.

THEREFORE, this Court orders as follows:

1. If the pending appeal in the *Durham* Action is resolved prior to June 18, 2025, and Plaintiff informs CentralSquare prior to June 18, 2025 that it still seeks the Requested Data, CentralSquare shall produce the Requested Data to Plaintiff in decrypted XML format. Plaintiff shall pay CentralSquare the amount shown in Quote No. Q-203400 that CentralSquare provided to Plaintiff and the Court. CentralSquare shall have 90 days from receipt of payment to complete production of the Requested Data.

2. If the pending appeal in the *Durham* Action is resolved after June 18, 2025, and Plaintiff informs CentralSquare that it still seeks the Requested Data at that time, CentralSquare shall produce the Requested Data to Plaintiff in decrypted XML format if still feasible. If CentralSquare contends that it is no longer feasible to produce the Requested Data in that format, CentralSquare shall so inform Plaintiff and the Court. CentralSquare shall provide Plaintiff with an updated quote for production of the Requested Data in decrypted XML format, or for production via another available format if CentralSquare contends a decrypted XML production is no longer feasible. CentralSquare shall also provide Plaintiff with an updated estimate of how long it will take for CentralSquare to complete production after receipt of payment. If Plaintiff and CentralSquare cannot agree on the format, cost, and timing of the production, they may notify the Court via email to Chambers, and the

Court may take further action to resolve the disagreement on the format, cost, and timing of the production.

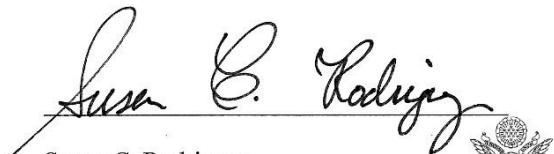
3. Plaintiff's Motion to Compel Compliance with Subpoena (ECF 1) and CentralSquare's Cross-Motion to Quash and for Entry of a Protective Order (ECF 6) are denied as moot.

4. The Court shall retain jurisdiction over this case until it receives an update from the parties on whether the Requested Data has been produced, or is no longer sought by Plaintiff.

5. The Court directs the Clerk of Court to administratively close this case pending further order by the Court on reopening or closing this case.

SO ORDERED.

Signed: February 10, 2025



Susan C. Rodriguez
United States Magistrate Judge



SEEN AND AGREED:

/s/ J. David Stradley

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